

**REMARKS:**

**I. Introduction**

In the Office Action mailed on January 25, 2008, the Examiner rejected claims 1 to 17 and allowed claims 18 to 20. The present amendment cancels no claims, amends claims 1 and 10, and adds no new claims. Accordingly, claims 1 to 20 remain pending in this application.

**II. Claim Rejections Based on 35 U.S.C. § 103(a)**

(a) The Examiner rejected claims 1 to 9 under 35 U.S.C. 103(a) as being unpatentable over Reasoner et al. (US 6,230,579) in view of Osborne (US 5,277,077). The Examiner noted that the "new language does not provide any structural relationship between the lever and the secondary detent which renders it a broad limitation."

The pin (74) of Reasoner et al. is resiliently biased into engagement with the slider (70) at all times as the lever pivots over the shifts path. The roller (73) of Osborne is resiliently biased into engagement with the roller detent member (41) at all times as the lever pivots over the shifts path. These "pawls" must remain in contact because they are both secondary detent devices often referred to as "position feel" or "tactile feed back" devices. Additionally, neither Reasoner et al. nor Osborne have both a detent profile and secondary detent profile which move with the lever. Reasoner et al. has a stationary detent profile and Osborne has a stationary detent profile and a stationary secondary detent profile.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the pawl disengages the detent profile so that the shifter lever is movable along the shift path between the plurality of gear positions when an operator applies a force to the shift lever to move the shift lever along the shift path" and "wherein each of the detent profile and the secondary detent profile is secured to the shifter lever to move with the shifter lever as the shifter lever moves along the shift path." No prior art of record discloses or reasonably suggests the present invention as defined by claim 1. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 10 to 17 under 35 U.S.C. 103(a) as being

unpatentable over Reasoner et al. (US 6,230,579) in view of Kataumi (US 5,445,046) and further in view of Osborne (US 5,277,077). The Examiner noted that the "new language does not provide any structural relationship between the lever and the secondary detent which renders it a broad limitation."

The pin (74) of Reasoner et al. is resiliently biased into engagement with the slider (70) at all times as the lever pivots over the shifts path. The projection (30) of Kataumi et al. is resiliently biased into engagement with the detent (12) at all times as the lever pivots over the shift path. The roller (73) of Osborne is resiliently biased into engagement with the roller detent member (41) at all times as the lever pivots over the shifts path. These "paws" must remain in contact because they are secondary detent devices often referred to as "position feel" or "tactile feed back" devices. They would not function if they did not remain engaged. Additionally, neither Reasoner et al., Kataumi et al., nor Osborne have both a detent profile and secondary detent profile which move with the lever. Reasoner et al. has a stationary detent profile, Kataumi et al. has a stationary detent profile, and Osborne has a stationary detent profile and a stationary secondary detent profile.

Independent claim 10, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the pawl disengages the detent profile so that the shifter lever is movable along the shift path between the plurality of gear positions when an operator applies a force to the shift lever to move the shift lever along the shift path" and "wherein of each the detent profile and the secondary detent profile is secured to the shifter lever to move with the shifter lever as the shifter lever moves along the shift path." No prior art of record reasonably discloses or suggests the present invention as defined by claim 10.

Reconsideration and withdrawal of the rejection is requested.

### **III. ALLOWABLE SUBJECT MATTER**

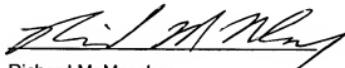
Applicant acknowledges that claims 18 to 20 are allowed.

### **IV. CONCLUSION**

In light of the foregoing, it is respectfully submitted that the present application is in a

condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



Richard M. Mescher  
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2026  
Fax: (614) 227-2100

March 24, 2008

Re. Application Number 10/812,664

Page 8 of 8 pages